

# **Policies and Procedures for the Protection of Minors**

**Epiphany Lutheran Church**

**1350 Peachtree Industrial Blvd, Suwanee, GA 30024**

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## PURPOSE

It is the purpose of the members and staff of Epiphany Lutheran Church to provide a safe and secure environment for children, youth and mentally handicapped persons entrusted to our care. We do this to encourage those children and youth, and their families, to grow in their relationship with God and one another.

A safe and secure environment includes a formal, written policy to help prevent the occurrence of child abuse. The following policies and procedures are for the protection of our children, youth, employees, volunteers and the entire church family at Epiphany Lutheran Church.

## SCOPE

This policy shall apply to all current and future workers and teenage workers, compensated and/or volunteer, who will have the responsibility of supervising the activities of preschoolers, children, youth, and mentally handicapped persons.

## DEFINITIONS

For the purpose of this policy the following definitions shall apply:

1. "**Child Abuse**" shall be defined as verbal, physical, emotional, or sexual abuse of a preschooler, child, youth, or minor.
2. "**Child Sexual Abuse**" shall be defined as any sexual activity with a child under the age of 18. The abuser may be an adult, an adolescent, or another child, provided the child is four years older than the victim.
3. "Preschooler," "child," "children," "youth," and "minor" shall be defined as any individual under the age of eighteen (18) (or whose mental capacity is that of a minor).
4. "Adult" shall be defined as any individual at least eighteen (18) years of age.
5. "Worker" shall be defined as any adult who serves as a volunteer and/or paid person given the responsibility of working with or caring for minors.
6. "Teenage Worker" shall be defined as any minor between the ages of 14 and 17 who serves as a volunteer and/or paid person enlisted to assist with the care of minors.
7. "Criminal Background Check" (CBC) is the procedure used by legally recognized organizations or other qualified agencies to check the background of workers for criminal activity.
8. Non-accusatory reports are defined as abuse reports that identify the victim(s) or abuse or neglect whether or not the person(s) responsible for the abuse or neglect is known.
9. Accusatory reports are defined as abuse reports that identify both the victim(s) of the abuse or neglect and the person(s) responsible for the abuse or neglect.

## WORKER REVIEW AND PREPARATION POLICIES

1. All paid employees of Epiphany Lutheran Church will be required to complete an Employment Application.
2. Any worker or teenage worker desiring to work with minors will be required to complete a Volunteer Information Form - Screening Form for Those Working with Minors or Mentally Handicapped (Appendix A/B), and a Worker's Statement (Appendix C). Workers must also complete a Background Investigation Consent Form (Appendix D)
3. No volunteer worker will be allowed to work with minors until they have been a member of Epiphany for a minimum of six (6) months, or have been a regular active attendee for a minimum of one (1) year.
4. Worker and teenage worker applicant files will be maintained by Epiphany Pastors, which will include, but not limited to the following documents: employment application, screening form, confirmation of completed background check, photograph, confirmation that the individual has reviewed and understands the child protection policy, and copy of Driver's License or ID card. A background check will not be conducted on Teenage workers. Teenage workers without an ID will not be required to obtain one if at least one of the parents has met all the qualifications of an Adult Volunteer worker.
5. After an application or information form is received, prior employment and volunteer service and personal references will be checked at random. It is suggested that, at a minimum, personal references be telephoned and a written memorandum be made of the contents of those telephone conversations, and that prior employment and church service references be contacted in writing. Volunteer Worker applicants who are nonmembers must include at least one reference who is an active member of Epiphany Lutheran Church and at least one reference who is a nonmember, nonfamily member who is familiar with the manner in which the applicant relates to children or young people.
6. Any prospective worker or teenage worker who has prior incidents of sexual misconduct or child abuse will not be allowed to serve in any capacity where they would have contact with minors.
7. Criminal background checks (CBC) will be performed on each worker applicant after the applicant has signed the consent form, and prior to being enlisted as a worker. Epiphany Lutheran Church has the right to conduct any additional criminal background checks on workers, randomly or as deemed necessary. Epiphany Pastors as well as members of Epiphany's Personnel Team and Lead Team, or their designee, will have access to the criminal background check report.
8. Standard interview questions will be developed and may be used in personal interviews with worker and teenage worker applicants, after reviewing the applications of the applicant, checking all references, and receiving a criminal background check report, as appropriate. These interview sheets will be filled out with the results of the interview and kept in the worker's personnel file, as well as the reference checks and the applications. (Criminal background check reports should as normal course of business be destroyed thirty (30) days after receipt.) A record of the fact that the background check was clear will be noted in the file and the date the check was performed before the actual record is destroyed. A separate file will be maintained permanently on each worker and teenage worker, whether paid or a volunteer.

9. When a worker or teenage worker is engaged to work with minors, they will be photographed and the picture will be kept in the person's file. Photographs will be updated every 2 years or as deemed necessary.
10. Upon the written request of the applicant, Epiphany Lutheran Church shall allow the applicant to review his/her criminal history record transcript at the Church, but in no event shall Epiphany allow the applicant to retain and/or copy his/her transcript.

## **WORKER TRAINING**

Each new worker and teenage worker will be given the legal definition of child abuse in writing, as well as the policy of the church on reporting of child abuse. New workers will also be required to view child abuse prevention video(s) and read the written materials available on this subject to help them gain an appreciation for the reality of the concern. This will help workers identify child abuse in the future if they see signs of it. Workers must attend a mandatory training session on the Policies of the Procedures for the Protection of Minors.

When significant changes or updates are made to the policies, all Adult and Teenage Workers will be given the link to the revised Policies and Procedures for the Protection of Minors, along with a summary of the changes. The workers must then acknowledge in writing that they have read and understand the changes. Mandatory refresher training may be required as determined by the Epiphany Pastors, Personnel Team or Lead Team.

## **VOLUNTEER INFORMATION FORM**

Volunteer workers and teenage workers of activities or programs for minors of Epiphany Lutheran Church will be required to complete a Volunteer Information Form (Appendix A) providing personal and confidential information necessary to perform reference checks on each individual worker. Adult workers will also be required to complete a Background Investigation Consent Form (Appendix D.) While this process understandably trespasses into the privacy of our lives, the security of our children outweighs the personal invasion inherent with such investigation and disclosures. All personal information voluntarily disclosed, as the results of all security background and reference checks, or the refusal of any person to participate in a program or activity in lieu of such disclosure requirements, will be maintained in the strictest of confidence.

## DISQUALIFICATIONS POLICY

Whether disclosed voluntarily or by result of a security and/or references background check, the following items will automatically disqualify a worker or teenage worker from participating in the leadership, sponsorship or supervising of any activities or programs with minors:

Any conviction for:

- Criminal homicide
- Aggravated assault
- Crimes related to the possession, use or sale of drugs or controlled substances
- Sexual abuse
- Sexual assault (rape)
- Aggravated sexual assault
- Injury to a child
- Incest
- Indecency with a child
- Inducing sexual conduct or sexual performance of a child
- Possession or promotion of child pornography
- The sale, distribution, or display of material harmful to a minor
- Employment harmful to children
- Abandonment or endangerment of a child
- Kidnapping or unlawful restraint
- Public lewdness or indecent exposure
- Enticing a child

All charges for these crimes or charges or convictions for any other crimes not listed above will be reviewed by the Lead Servant Team or their designated group for interpretation of the criminal history record transcript and approved by the church for reviewing applicant transcripts. Only qualified persons (as stated above) may view information obtained on the criminal history record transcript. Epiphany Pastors, members of the Personnel Team or Lead Servant Team may reassess or review an applicant's, or worker's or teenage worker's background check or application at any point without notice, given due cause.

An application for a worker, paid or volunteer, may be denied based on privileged information that may not be listed above. Any worker may be reassessed at any time.

## **SPECIFIC ACTS AND OMISSIONS IN VIOLATION OF THE POLICY**

The following acts and omissions are violations of this Policy and will not be tolerated or accepted during any activity or program. Any violation, including those acts and omissions listed below, are to be immediately reported to the designated program staff after the safety of the child, children, youth, or minor involved has been assured. Violations include:

- Any falsification of information or intentionally omitted information on any application or information request form to prevent the discovery of items that would disqualify a worker or teenage worker.
- Any direct observations or evidence of sexual activity in the presence of or in association with a minor.
- Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor.
- Sexual advances or sexual activity of any kind between any person and a minor.
- Infliction or physically abusive behavior or bodily injury to a minor.
- Physical neglect of a minor, including failure to provide adequate supervision in relation to the activities of Epiphany Lutheran Church.
- Mental or emotional injury to a minor.
- The presence or possession of obscene or pornographic materials at any function of Epiphany Lutheran Church.
- The presence, possession, or being under the influence of any illegal or illicit drugs.
- The consumption of or being under the influence of alcohol while leading or participating in a function for minors at Epiphany Lutheran Church.

## **WORKER SUPERVISION**

1. The Church will follow a policy of one adult and open door or two adults where the door is closed rule for all activities which means no adult shall be left alone with a child in a closed door room.
2. In counseling sessions with minors, parental permission shall be obtained prior to a minister meeting privately with a minor, or the two adult rule shall be used in that instance.
3. Workers will be trained on these policies prior to working with minors.

## **OCCASIONAL VOLUNTEER WORKERS**

1. Those who only volunteer occasionally must go through the entire volunteer screening process without exception.
2. Teenagers between 14 and 17 years of age wanting to serve as teen workers in any capacity with activities, studies, or programs for preschoolers or children will need to complete a Teenage Volunteer Information Form and go through the training. The only step in the process they are exempt from is the criminal background check. Teenage workers may work only where there is a minimum of one Adult Worker present who is at least 5 years older and in accordance with the Open Door Policy or where there are two Adult workers present, at least one of whom is 5 years older than the Teenage Worker.
3. Younger Teenage Volunteers between 12 and 14 years of age wanting to assist at large events such as Vacation Bible School are not required to complete the Volunteer application process. The Younger Teenage Volunteers may assist only in situations where there are a minimum of two adult trained volunteers, at least one of which is not a parent.
4. Persons wishing to volunteer who do not meet the time requirement (6 months membership or 1 year active attendance) must meet the training requirement. They may assist where a minimum of two adult trained workers are present.
5. Guidelines for nursery Volunteer Workers are covered in a separate document that comprehensively outlines nursery policies and procedures.

## **SUPERVISION OF VOLUNTEERS**

1. Parental permission shall be obtained in advance for involvement in church sponsored programs and/or activities. Written parental permission shall be obtained in advance whenever an adult might be spending time alone with a child in a situation where the child is being transported to an event or where the child is not participating with others for some reason in the organized events.
2. Volunteers will be trained on the open door policy, and a door without windows shall remain open at all times.
3. Minors or other volunteer workers may be asked by the Lead Servant Team or Epiphany Pastors whether the volunteer complied with the open door policy or any other policy contained herein.
4. When a Teenage Volunteer becomes age 18, he or she is subject to a criminal background check no later than at the next two year review cycle.

5. It is the responsibility of the leader of a youth activity to ensure that all solicited volunteers meet the requirements of the Policies and Procedures for the Protection of Minors prior to agreeing to their serving directly with the youth. Leaders must coordinate with the appropriate paid servant for current status of those who volunteered.

## **Off Site Events or Retreats of Epiphany Lutheran Church**

- 1) Written permission for each event must be obtained from parent or guardian by supervisor of activity. A form is to be provided to parents or guardians with designated event and date. A signed medical release form with emergency contacts will be obtained a standard school year prior to minors participating in events off site.
- 2) The adult to minor ratio should be a minimum of 1 to 8.
- 3) When driving to an event in multiple vehicles, all effort should be made to either caravan or meet at a predetermined exit or other location. Mobile contact information for a person in each vehicle should be given to all workers prior to leaving for a destination. No adult should travel alone with a child, except for one's own child. In an emergency situation where one vehicle must stop, communication should be transmitted to the other vehicles immediately. Maintain communication to others to monitor the situation until resolved or request for assistance is made.
- 4) Follow the two-adult/open door policy. Preferably the two adults should not be of the same immediate family and at least one adult must be 21 or older.
- 5) While on trips, workers should have youth practice the "buddy system" or 3-person rule, where possible.
- 6) For overnight lock-ins at Epiphany or retreats away from the church site, in addition to structured activities, workers are to provide oversight during free time and overnight. Sleeping arrangements of minors should be designed so that males are together, supervised by a male worker; and females are together, supervised by a female worker.
- 7) Workers are prohibited from offering or providing anything prohibited by law to minors.

## CHILD ABUSE REPORTING

1. Any person observing unusual or questionable behavior or situations shall personally report the incident or suspicious activity to a Lead Servant Team Member or Epiphany Pastor by completing an Incident Report Form or by promptly making record of a verbal report in a written memorandum. The Lead Servant Team Member or Epiphany Pastor will document the report by recording the date received.

In Georgia church staff or volunteers are not legally mandated reporters of suspected child abuse or neglect; however, staff and volunteers are obligated to report any known incidents to provide a safe environment at Epiphany and to protect of minors.

2. Any person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect may report the person's belief in accordance with this procedure. Accusatory and non-accusatory reports shall be made to the local law enforcement agency by calling 911 or the Suwanee police, (770) 945-8995, if a child is in immediate danger or the Gwinnett County Department of Family and Children Services (DFACS), (678) 518-5600, 446 West Crogan Street, Lawrenceville, GA, 30046, if the child is not in immediate danger.

Always secure the environment or the child's safety first. Upon the first suspicion of an instance of child abuse, the following steps should be taken immediately:

1. Do not treat the suspicion as frivolous.
2. If a worker or teenage worker suspects a case of child abuse, he or she is may report his/her suspicions within 24 hours to the appropriate agency (Gwinnett County Department of Family and Children Services - DFACS), (678) 518-5600). It is the policy of Epiphany Lutheran Church that it also be reported immediately to one of the paid staff ministers of the church.
3. In instances where child abuse is confirmed and a member of the ministerial staff is the perpetrator, the immediate supervisor should be contacted and advised.
4. A paid staff minister or member of the Personnel Team should contact the church's legal counsel and contact the insurance company as directed by the legal counsel.
5. The minister or designated member of the Lead Team receiving the initial report will be responsible for confirming the facts reported and the condition of the child, on the same day on which the first report was made, or as soon as practicable thereafter.
6. Data concerning the child, name, address and other pertinent information will be obtained through discussions with the initial reporter and other staff members. The name and address of the person responsible for the care of the child, if available, will be obtained.
7. After the information is secured, the minister or Lead Team designee will contact the appropriate agency (Gwinnett County Department of Family and Children Services (DFACS), (678) 518-5600).
8. On the same day that the case is first reported verbally to the police and local

reporting agency, the report will be documented on an Incident Report Form. A copy of this form must be sent within five (5) days to the state agency, if applicable.

9. Maintain confidentiality of the investigation as much as possible. Emphasize confidentiality of the victim and any accused.
10. Cooperate fully with law enforcement officials.
11. Suspend anyone accused from the performance of duties involving children until the investigation has been completed.
12. Designate one lead contact person to be the victim's or victim's family's primary contact.
13. Inform the victim and the victim's family of the steps that are being taken and continue to keep them advised of the status of the investigations. If child abuse is confirmed, ask the victim and the victim's family what action they would like to take in the matter, and fully cooperate to address their request within the bounds of a legal and prudent response (church legal counsel should assist in this determination).
14. In instances where child abuse is confirmed, the church should immediately dismiss the worker or teenage worker from that position.
15. In instances where the evidence is inconclusive, the church must take action depending on the strength of the evidence available and after consideration of the victim's family's request.
16. Keep the congregation informed of the investigation with respect to matter which is not confidential, so that the congregation will hear about the investigation from within the church, rather than from the news media.
17. Promptly take steps to plan for a response to the media and attempt to speak to the media only through one contact person. The church should emphasize through the media to the public the church's position on child abuse, its concern for the victim, and the extensive steps the church is taking to address the present occurrence and to reduce the risk and provide a safe environment for other children.

Every allegation of sexual offense or molestation should be investigated promptly and thoroughly by officials and reported to the church insurance company immediately. It is unlikely the problem will ever be handled by relying on promises of the worker or teenage worker to reform. Failure to take remedial action will make a claim difficult to defend and may very well violate State and Federal laws.

## **INSURANCE**

The church shall always maintain a sufficient level of liability insurance coverage that would cover child abuse and sexual misconduct claims. The President of the Congregation or in his or her absence the chair of the Personnel Team shall be responsible for insuring that the church has an active insurance policy in place at all times.

## **CONCLUSION**

Epiphany must be prepared! This is the legal reason for creating safety policies, but there is a deeper, more significant reason — to protect the children. Policies are only printed expressions of the value placed on children. If the only reason for safety policies is to protect the organization, the church has missed God's love for children.

Epiphany Lutheran Church desires to be "a church that cares" through the implementation of the above policies. Adoption of these provisions will enable Epiphany Lutheran Church to provide a more safe and secure environment for each individual of our church family and its guests.